IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.318 OF 2006

Balasaheb K. Mahadik & Ors. ...Petitioners.

Versus

Special Land Acquisition Officer
No.9, Satara & Anr. ...Respondents.

Shri Rafik Mukni i/b Dilip Bodake for the Petitioners.

Shri D.A.Patil, A.G.P for the Respondents.

CORAM : S.C.DHARMADHIKARI,J.

DATE : 30th JANUARY, 2006.

P.C. :

1. Heard Shri Rafik holding for Shri Bodake for the petitioners. The respondents are represented by the learned A.G.P..

2. After hearing Shri Rafik as well as the learned A.G.P., the order passed by the Special Land Acquisition Officer No.9, Satara on 28th December, 2005 cannot be sustained.

3. The Special Land Acquisition Officer has not bothered to scrutinise the application which is made by the petitioner and which is supported by documents. In the application, which is preferred by the petitioner invoking the Special Land Acquisition Officer's

jurisdiction under Section 30 of the Special Land Acquisition Act, 1894, specifically states that as far as the land in question is concerned, the petitioner's claim is for right, title and interest in the same on the basis of succession and, therefore, they are entitled to their share in the compensation which is awarded while acquiring the said land. Such an application which essentially arises out of a dispute as to apportionment of the amount of compensation between persons to whom the same is payable fully or in part, can be very well referred to the decision of the Court. The Special Land Acquisition Officer, therefore, should have exercised such jurisdiction, granted the application and proceed further in accordance with law.

4. In the light of above, the order dated 28th December, 2005 is quashed and set-aside. The application filed by the petitioner be treated as invoking the jurisdiction of the Special Land Acquisition Officer and Collector, Satara under Section 30 of the Land Acquisition Act, 1894 and be dealt with in accordance with law. Petition allowed.

(S.C.DHARMADHIKARI,J.)